

**IN THE DRAWINGS**

Please substitute the enclosed replacement sheet of drawing for Figure 2A as originally submitted. This drawing contains a numbering error in that "80" should be "78".

## **REMARKS**

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks.

### **Regarding the Response to Arguments**

Upon review of the Examiner's response, his point is well taken with regard to claims 19-27 and 44. The arguments presented regarding duplication of the I-frames would appear to be inapplicable to these claims. Applicant appreciates the Examiner's notation of this oversight.

### **Regarding the Rejections in General**

Claims 1-18 were previously rejected based upon the combination of Zdepski and Tiwara of record. Presently, claims 1-19 are stated to be rejected on the basis of the same references with the order reversed. However, in view of there being no separate argument regarding claim 19, it is presumed that the rejection is actually intended to be a rejection of claims 1-18.

Regarding claims 1-18:

The Office alleges that the claim feature "storing a duplicate of the intra-coded frames of the content in a second file" is found in Tiwari at col. 4, lines 10-28 "which discloses storing a subset of the originally [sic] picture stream e.g. every n'th picture" (Office Action page 3). However, this does not meet the claimed feature. In Tiwari, pictures are stored as every n'th picture for use in a trick play mode at predefined selected speeds, and those pictures are then coded as I-frames. Tiwari states: "Thereafter the ancillary stream pictures are encoded as I pictures, with each picture exhibiting an identical number of bits and the pictures are stored in memory 20 as ancillary stream 30..." (emphasis added).

Applicant's claim feature is clearly not met by this teaching. Applicant claims use of duplicate I frames in a second file, whereas, Tiwara creates new pictures at predefined intervals and then encodes the pictures as I pictures (each with identical bit counts) and then creates an ancillary stream 30. This is an entirely different process than that claimed by Applicant. Tiwara fails to duplicate the I-frames and fails to store them as claimed.

The Office fails to recognize this distinction and fails to point out how the Zdepski reference can be interpreted to cure this deficiency. Hence, the cited references taken singly or in combination fail to teach all features of the claims. Identification of each feature of the claims is an essential part of the process of establishing *prima facie* obviousness under the test enumerated in *Graham v. John Deere* (citation omitted). Hence, at least for the reasons noted, *prima facie* obviousness has not been established and claims 1-18 should be allowed. While other distinctions are also present, they need not be discussed at this time since the Office has not met the burden of establishing a *prima facie* case for obviousness. Further, Applicant reiterates the arguments of the prior action with regard to these rejections and reserves the right to present further arguments at a later date if he deems them appropriate.

In addition to the above, it has been previously noted that the Zdepski reference of record discusses trick play techniques used in related art systems (not Zdepski's system) at the last paragraph of col. 3, and first paragraph of col. 4. These related art systems use look-up tables of I frames to produce fast forward and fast reverse video streams. Taken in context one must consider that Zdepski explicitly complains that this process is too burdensome on the video server. Zdepski proposes solving this problem by use of a method for generating fast forward and fast reverse streams "which does not require real time processing of video data, such as index lookups". (see col. 4., lines 36-37) Hence, it is clearly Zdepski's intent that there be no index lookups in his process. As a result, the proposed combinations including Zdepski's teachings are not logical and are contrary to Zdepski's teachings. Zdepski clearly constitutes a teaching away from the present claims and cannot be properly combined as proposed. This point has been made in the prior responses, but has not been addressed by the current action. It is clear from the above that Zdepski is not only improperly modified by addition of indices, but that Zdepski clearly teaches against use of indices and is striving to eliminate them. As Applicants have previously submitted, the proposed combination/modification improperly destroys Zdepski's proposed advantages, functions and benefits of Zdepski are destroyed by the proposed modification/combination. Hence, such combination is improper.

It is yet again noted that the Office has failed to address the fact that Zdepski seeks to solve the problems associated with look-up tables and indices and eliminate them (col. 4, lines 1-16, and lines 36 and 37). In view of this teaching against use of indices, the Office must produce a compelling case for going against Zdepski's explicit teaching against before use of indices with Zdepski would be obvious. Applicants refer to the prior submitted arguments regarding the appropriateness of use of Zdepski and submits that the rejection is wholly improper.

Reconsideration and allowance of claims 1-18 are respectfully requested.

Claims 19-27 and 44 were rejected based on the combination of Boyle, Tiware and Carubba of record.

Regarding claim 19-27 and 44:

The Office asserts that Applicant has admitted as prior art "separation of ... a lookup table capable of referencing frames from the original file with that of a second file" and references Fig. 2A and 2B of the present application. Upon inspection it was noted that Fig. 2B inadvertently uses reference number 80 to reference the fast reverse file which should be 78. This labeling error is inconsistent with Fig. 2 and with all associated description. Applicant accordingly submits herewith a replacement sheet that corrects Fig. 2B to use reference number 78.

Consistent with the above, one will appreciate that Applicant has indicated that it is known to create both a fast forward file of I-frames and a fast reverse file of I frames that use separate forward and reverse index tables in order to retrieve fast forward and fast reverse frames for trick play. A careful examination of Applicant's discussion will reveal that consistent with Fig. 2, 2A and 2B Applicant has only admitted that it is known to create two trick play files and two associated sets of indices. By contrast, the claim language of claim 19 calls for "storing the intra-coded frames of the content in a second file" and storing forward and reverse indices to address the single second file to accomplish both forward and reverse fast forward trick play (to paraphrase without intent of limitation).

While Tiwari uses an index file to address I-pictures, they are I pictures created for the second file and not the original I-pictures of the content as claimed and as explained further above.

Boyle fails to disclose “storing a set of forward indices” as claimed and “storing a set of reverse indices” as claimed. Neither reference discloses storing the original content in two files, one for intra-coded frames and one for inter-coded frames. Instead, the index of Boyle indexes the start of intra-coded reference frames and data indicative of the location of such intra-coded frames. (see col. 3, lines 26-34). This deficiency is not cured by Carubba. Carrubba appears to only show separate storage of data for use in presentation of an image in a basic part or a basic part plus a complementary part. Carrubba appears unrelated to trick-play. Hence, the Office Action is again deficient in providing for all of the claim features and the above combination fails to establish *prima facie* obviousness.

The above notwithstanding, Applicant has amended claims 19 and 44 in order to expedite prosecution of the present application. By the amendment presented, the storage devices are situated at or used by a television service provider headend and operation is responsive to subscriber terminals to access trick play modes. Applicant makes no concessions as to the original claims’ patentability and reserves the right to pursue such claims in a continuation.

### **Concluding Remarks**

The undersigned additionally notes that many other distinctions exist between the cited art and the claims. However, in view of the clear distinctions pointed out above, further discussion is believed to be unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner’s position or an admission of any sort. No amendment made was for the purpose of narrowing the scope of any claim unless an argument has been made herein that such amendment has been made to distinguish over a particular reference or combination of references. Applicants reserve the right to make further arguments favoring patentability of any claim at a future date.

**Interview Request**

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of an interview. The undersigned can be reached at the telephone number below.

Respectfully submitted,

/Jerry A. Miller 30779/

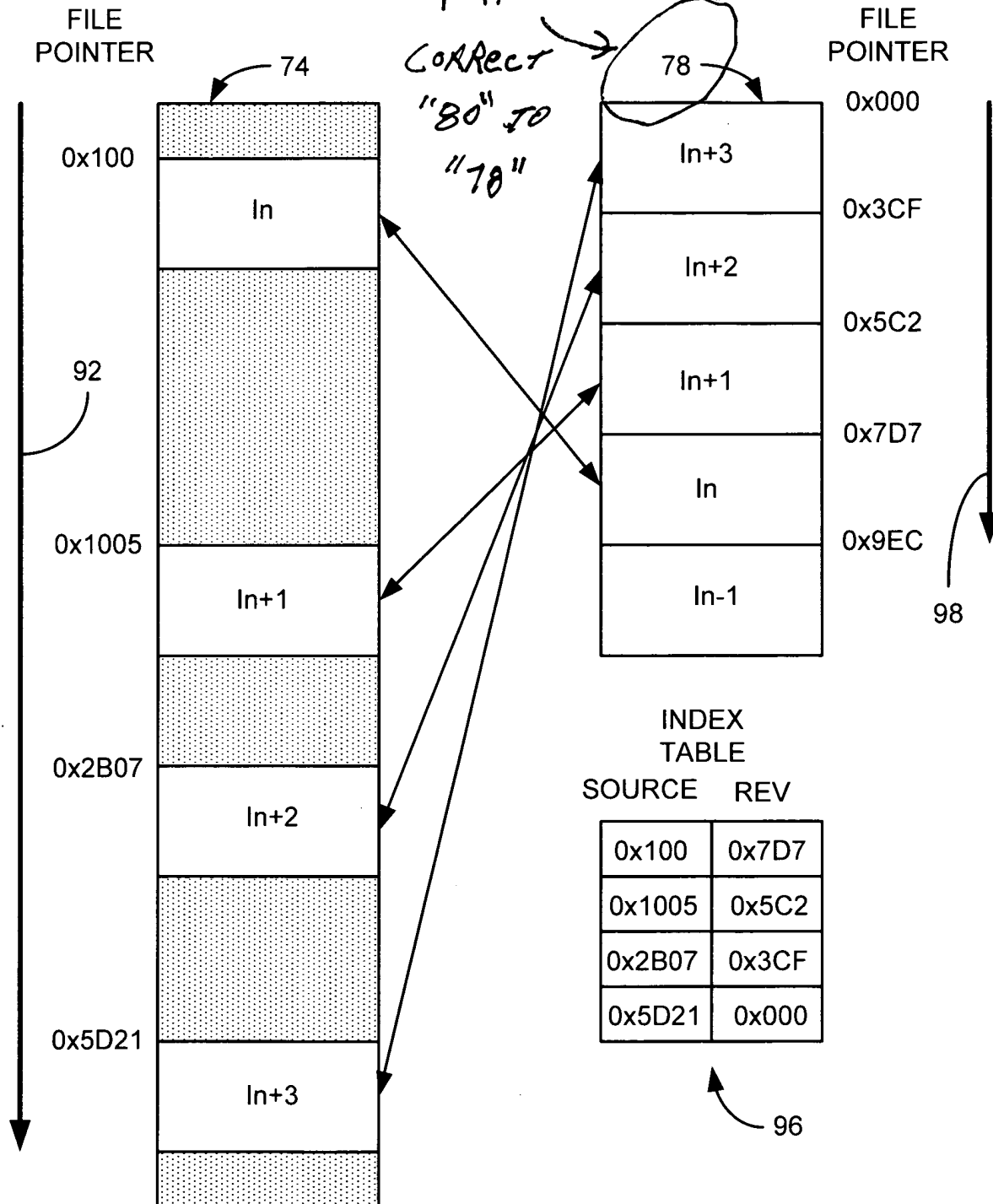
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# REPLACEMENT SHEET

MARKUP



**FIG. 2B**

Prior Art